

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

8 STEVEN M. FREDERICKS,
9 Plaintiff,
10 vs.
11 EQUILON ENTERPRISES, LLC d.b.a.
12 SHELL OIL PRODUCTS
13 U.S., PETROCHEM FIELD SERVICES,
14 INC., CERTIFIED SAFETY SPECIALISTS,
LLC, UNITED/ANCO SERVICES, INC., and
DOES 1 through 50, inclusive,
Defendants.

Case No: C 10-5758 SBA

ORDER STRIKING MOTIONS IN LIMINE

On August 14, 2012, the Court issued an Order which states, in pertinent part:

[T]he Amended Order for Pretrial Preparation is modified with respect to the submission of motions in limine. Each side is to file all of their motions in limine in a single memorandum, not to exceed ten (10) pages in length. Each side shall file a single opposition brief, not exceed ten (10) pages, and a reply brief, not to exceed five (5) pages.

22 Am. Order Granting Defs.' Mot. for Summ. J. at 1:28-23, Dkt. 85. In direct violation of
23 that Order, Defendant United Anco Services, Inc., filed *seven separate motions in limine*,
24 collectively totaling approximately *twenty-seven pages of briefing*. Defendant neither
25 sought nor obtained leave of Court to file separate motions in limine or more than ten pages
26 of briefing.

27 In addition, there no indication that Defendant or Plaintiff met and conferred with
28 each other prior to filing their respective motions, as required by this Court's Standing

1 Orders. Standing Order ¶ 5, Docket 11 (“**Meet and Confer Requirement:** All parties are
2 expected to meet and confer before filing any motion before this Court. . . . The Court may
3 disregard any papers submitted that do not comply with this rule.”).

4 In view of the foregoing, the Court strikes the parties’ improperly-filed motions in
5 limine from the record. See Smith v. Frank, 923 F.2d 139, 142 (9th Cir. 1991) (“For
6 violations of the local rules, sanctions may be imposed including, in appropriate cases,
7 striking the offending pleading.”); Swanson v. U.S. Forest Serv., 87 F.3d 339, 345 (9th Cir.
8 1996) (affirming district court’s decision to strike briefs which improperly incorporated
9 other briefs). However, the Court will afford the parties an opportunity to cure these
10 deficiencies and re-file their in limine motions in a single memorandum, not to exceed ten
11 pages in length, **after** they have first met and conferred regarding each and every issue
12 raised in their motions. Accordingly,

13 IT IS HEREBY ORDERED THAT:

14 1. Defendant’s motions in limine (Docket 103, 104, 105, 106, 107, 108 and 109)
15 and Plaintiff’s motions in limine (Docket 100-4) shall be STRICKEN from the record, and
16 shall be terminated on the Court’s docket.

17 2. The parties shall meet and confer regarding the issues presented to the Court
18 in the stricken motions in limine. After doing so, the parties may then re-file their motions
19 in limine in accordance with the Court’s August 14, 2012 Order. The Court will not
20 consider any motions in limine unless the parties have certified in writing that they have
21 met and conferred, in good faith, as to each and every issue presented to the Court in the
22 motions.

23 3. Should the parties elect to re-file their motions in limine, they shall do so by
24 no later than close of business on **September 21, 2012**. Opposition briefs shall be filed by
25 no later than **September 27, 2012**. Reply briefs shall be filed by no later than **October 3,
26 2012**.

27
28

1 IT IS SO ORDERED.
2 Dated: September 19, 2012
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


SAUNDRA BROWN ARMSTRONG
United States District Judge